

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ZPOTS LLC,

Plaintiff,

-against-

HOME ESSENTIALS & BEYOND, INC.

Defendant.
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DOC #: _____
DATE FILED: 12/10/2019

1:18-cv-9196-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

On June 19, 2019, the Court held a teleconference to discuss the status of this case, the parties' failure to take any discovery, and ask the parties how they intend to litigate this case without the benefit of fact or expert discovery. Afterwards, the Court provided the parties with an opportunity to ask the Court to reopen discovery. Dkt. No. 49. Neither party so moved. Thus, the Court held another teleconference on July 1, 2019 and set a trial date on July 18, 2019 for April 6, 2020. Dkt. 56.


In the July 18, 2019 order, the Court instructed the parties to submit the pretrial materials outlined in the Court's Individual Rule 5 and any motions *in limine* no later than December 6, 2019. Dkt. No. 56. The Court has received from Plaintiff three affirmations (one of which is unsigned) and proposed findings of fact and conclusions of law. The Court has received nothing from Defendant. The Court has also not received a draft Joint Pretrial Order from the parties, and was informed that Defendant has failed to collaborate with Plaintiff in drafting the Joint Pretrial Order as required by the Court's Individual Rules.

Defendant is directed to comply with the Court's orders forthwith. The Court will consider late submissions so long as they are provided to the Court no later than **December 13, 2019**.

Defendant is advised that continued failure to obey court orders may result in a variety of sanctions, including the entry of a default judgment against it. Fed. R. Civ. P. 16(f)(1).

SO ORDERED.

Dated: December 9, 2019
New York, New York



GREGORY H. WOODS
United States District Judge